

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JEROME K. HAMILTON, a.k.a.,)	
CHEIKH AHMED ELOHIM,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1422-GMS
)	
CATHY L. GUESSFORD, REBECCA)	
MCBRIDE, ROBERT F. SNYDER,)	
THOMAS L. CARROLL, and)	
STANLEY W. TAYLOR, Jr.)	
)	
)	
Defendants.)	

DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST FOR DEFAULT

COME NOW the Defendants Cathy L. Guessford, Thomas L. Carroll, and Stanley W. Taylor, by and through the undersigned counsel, and respond to Plaintiff's Request for Entry of Default as follows:

1. On or about March 1, 2005, Plaintiff filed a Request for Entry of Default as to Defendants Guessford, Carroll and Taylor. (D.I. 19). Plaintiff filed an Addendum to this request on or about March 7, 2005. (D.I. 20). To date, undersigned counsel has not been served with either the Request or the Addendum and did not receive notice of electronic filing of these documents. Undersigned counsel learned of Plaintiff's Request for Entry of Default as the result of checking the electronic docket after reviewing the Court's recent Order denying Plaintiff's Motion for Appointment of Counsel. (D.I. 22).
2. The basis for Plaintiff's Request for Entry of Default is that Waivers of Service were returned executed as to Defendants Guessford, Carroll and Taylor on

December 30, 2004. As indicated in the docket, based on the date of December 30, 2004, Defendants Guessford, Carroll and Taylor's Answer to the Complaint was due February 28, 2004. (D.I. 14, 16, 17).

3. However, Jane Brady, the Attorney General for the State of Delaware, was not served until January 26, 2005. (No docket entry number). Pursuant to 10 *Del. C.* §3103(c), "[n]o service of summons upon the State . . . or upon any officer of the state government concerning any matter arising in connection with the exercise of his or her official powers or duties, shall be complete until such service is made upon the person of the Attorney General or upon the person of the State Solicitor or upon the person of the Chief Deputy Attorney General."

4. Thus, service upon Defendants Guessford, Carroll and Taylor was not complete until January 26, 2005, and their Answer to the Complaint was filed within sixty days thereafter on March 15, 2005. (D.I. 21).

WHEREFORE, Defendants Guessford, Carroll and Taylor respectfully request that this Court deny Plaintiff's Request for Entry of Default and enter an Order in the form attached hereto.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Eileen Kelly

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Attorney for Defendants

Date: June 1, 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JEROME K. HAMILTON, a.k.a.,)	
CHEIKH AHMED ELOHIM,)	
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Plaintiff,)	
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vi.)	C.A. No. 04-1422-GMS
)	
CATHY L. GUESSFORD, REBECCA)	
MCBRIDE, ROBERT F. SNYDER,)	
THOMAS L. CARROLL, and)	
STANLEY W. TAYLOR, Jr.)	
)	
)	
Defendants.)	

ORDER

IT IS SO ORDERED, this _____ day of _____, 2005, that
Plaintiff Jerome Hamilton's Request for Entry of Default Judgment is hereby **DENIED**.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2005, I electronically filed *Defendants' Response to Plaintiff's Request for Default* with the Clerk of Court using CM/ECF. I hereby certify that on June 1, 2005, I have mailed by United States Postal Service, the document to the following non-registered non-party: Jerome K. Hamilton.

/s/ Eileen Kelly
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